UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

SPACETIME3D, INC.,

Plaintiff,

V.

CIVIL NO. A-23-CV-00553-ADA

APPLE INC.,

Defendant.

ORDER STAYING CASE

This matter comes before the Court on email submissions from the parties. The parties have informed the Court that the Patent Trial and Appeal Board recently issued Final Written Decisions invalidating, in whole or in part, each of the asserted patents. The parties further represent that they will appeal each FWD.

The parties generally agree that a stay pending appeal is appropriate. However, Defendant Apple argues that a condition of the stay should be that Plaintiff SpaceTime3D is not allowed to change its case, *e.g.* by changing the asserted claims, adding new products, or amending its expert reports, after the stay expires. Apple argues this is justified because the parties have already gone through fact and expert discovery and served expert reports and dispositive motions. SpaceTime3D disagrees with this condition and requests an unconditional stay.

The Court agrees with SpaceTime3D. Because the Federal Circuit could take many different courses of action with regards to these appeals, it is difficult to predict what shape this case will take once the appeals process has finished. It would be unwise to resolve whether or not SpaceTime3D should be allowed to alter its case before knowing exactly what alterations it would like, which in turn cannot be known without knowing how the appeals are resolved. Accordingly,

the Court will order an unconditional stay pending appeal. Apple may take solace that even though its condition has been rejected, the Court is not holding that SpaceTime3D will necessarily be allowed to change asserted claims or add products. The Court simply believes that consideration of such changes is premature.

For the foregoing reasons, the Court orders as follows:

IT IS HEREBY ORDERED that the above-captioned action is STAYED pending the conclusion of any and all appeals of Final Written Decisions IPR2023-00579; IPR2023-00343; IPR2023-00578; IPR2023-00344; IPR2023-00577; and IPR2023-00242.

IT IS FINALLY ORDERED that the parties shall file a joint status update within twentyone days of the final termination of all appeals of the Final Written Decisions listed above. Plaintiff
SpaceTime3D shall include in the joint status update any request to alter its case, *e.g.* by changing
the asserted claims, adding additional accused products, or amending any expert reports.

SIGNED this 23rd day of July, 2024.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE